

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Jarell Shabazz Martin,

Plaintiff,

v.

Dominos Pizza,

Defendant.

Case No. 2:22-cv-00784-GMN-DJA

Order

This is a discrimination action arising out of Plaintiff Jarell Shabazz Martin's employment with Defendant Dominos Pizza. Plaintiff sues Defendant for damages, alleging that the pizza chain discriminated and retaliated against him because of his race. Defendant moves to extend the time to respond to Plaintiff's complaint until September 16, 2022 because of defense counsel's recent retention and competing deadlines in other cases. (ECF No. 6). Because the Court finds that Defendant's motion is supported by good cause, and Plaintiff's refusal to stipulate to this modest extension is unreasonable, it grants Defendant's motion.

I. Discussion.

Plaintiff filed his complaint on May 17, 2022 and then waited until August 10, 2022 to mail it to Defendant. (ECF Nos. 1 and 5). Plaintiff asserts that Defendant signed the return receipt for the complaint on August 16, 2022, making the answer due September 5, 2022. (ECF No. 7). Defendant hired counsel sometime during the week of August 22, 2022. (ECF No. 6-2 at 3).

On August 26, 2022, Defendant's counsel—Scott Mahoney—reached out to Plaintiff to request that the parties stipulate to an extension until September 16, 2022 for Defendant to respond to the complaint. (ECF No. 6-2 at 3). When Plaintiff refused, Mahoney clarified "[t]he parties to a lawsuit typically agree to extend deadlines, and if and when you need extra time at

1 some point in the case, I will be happy to extend you the same courtesy.” (*Id.* at 2). Plaintiff
2 responded:

3 The deadline is September 5th, 202[2]. I will not agree to any
4 extension of time. If you’re aware of the Federal Rules of Civil
5 Process [sic], then follow it. It’s 20 days, Dominos didn’t give me
6 any extended time for their discriminating acts, racial biases, hostile
work environment, false accusations, and wrongful termination
against me.

7 (*Id.*).

8 Defendant now moves to extend. (ECF No. 7). In response to Defendant’s motion
9 Plaintiff argues:

10 The Plaintiff Jarell Shabazz Martin feels that Mr. Mahoney having
11 other cases, [sic] shouldn’t hinder or delay the process of his own
12 case against the Defendant Dominos Pizza...It is on Mr. Mahoney
13 to be professional, and make a response for the Defendant Dominos
Pizza, by the current set deadline of September 5th, 2022....Mr.
14 Mahoney should be more responsible to not take on an overload of
cases.

15 (ECF No. 7).

16 Plaintiff’s position is unreasonable. On the other hand, Defendant has demonstrated good
17 cause for the requested extension. The Court thus grants Defendant’s motion to extend.

18 Under Local Rule IA 6-1, a motion to extend time must state the reasons for the extension
19 requested. Here, Mahoney provided a good reason for his request: recently being hired and
20 competing case deadlines. The need to get caught up on a case and deal with competing
21 deadlines is a reality of the legal profession, not an indication of irresponsibility. On the other
22 hand, Plaintiff provided no explanation—other than his desire to get back at Defendant—that he
23 could not provide Mahoney with the courtesy of an extension. The Court thus grants Defendant’s
24 motion.

25 The Court also reminds Plaintiff that, not only must *pro se* litigants follow the same rules
26 of procedure that govern other litigants, but they must also conduct themselves with the same
27 civility, decorum, and professionalism that is expected of attorneys. *See Malloy v. Regents of*
28 *University of California*, No. 20-cv-07312-SBA, 2021 WL 2448888, at *2 (N.D. Cal. Aug. 25,

2021). This includes the professional courtesy of agreeing to reasonable requests to extend deadlines such as the one Defendant made here. Defendant retained Mahoney only a few days after receiving Plaintiff's mail. And Mahoney only requested a few days longer to respond. Plaintiff's argument that Mahoney's other cases should not delay Plaintiff's case falls particularly flat given Plaintiff's own three-month delay in mailing his complaint to Defendant in the first place. Mahoney made a reasonable request, which request Plaintiff has articulated no good reason for declining.

IT IS THEREFORE ORDERED that Defendant's motion to extend (ECF No. 6) is **granted**. Defendant shall have until **September 16, 2022** to respond to Plaintiff's complaint.

DATED: August 31, 2022

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE